

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3125 of 2016

- Aghan Lal Yadav S/o Late Shri Sukhram Yadav, Aged About 31 Years R/o Village Lalpurkala, P.S. Kawardha, District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Rural Administration And Development, New Mantralaya, P.S. Mandir Hasaud, Naya Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Rural Administration And Development, Department, Block D, Fourth Floor, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Joint Director, Rural Administration And Development, Department, Durg, District Durg Chhattisgarh
4. Chief Municipal Officer, Nagar Palika Parishad Kawardha, District Kabirdham Chhattisgarh

---- Respondents

For Petitioner : Mr. Ajit Singh, Advocate
For State / respondent : Mr. R.K. Gupta, Dy. A.G. on advance copy
Nos. 1 to 3

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/07/2016

Heard.

1. The petitioner's father died in harness in the year 2010 and soon thereafter, as pleaded in the petition, the petitioner preferred an application for compassionate appointment. It is stated that till date the application has not been decided by respondent No.4 either allowing or rejecting. It is further submitted that the Joint Director, Rural Administration and Development Department, Durg sent a memo dated 28.11.2015 to the Director with his recommendation.

2. The local body vide its memo dated 16.12.2015 has also informed the petitioner that the case of the petitioner is pending with the Director. However, memo dated 07.05.2015 of the Director , Rural Administration and Development Department, clearly shows that the Director sought explanation from concerned Chief Municipal Officers, who remained posted at Municipal Council, Kawardha.
3. If the compassionate appointment is not granted, the very purpose of compassionate appointment gets frustrated because the object of the policy is to provide help and immediate succor to the family of deceased-employee, who was the sole bread earner of his family. The claim for compassionate appointment is therefore, required to be decided at the earliest without any unreasonable delay. More than five years have elapsed. This situation cannot be countenanced. The claim of the petitioner ought to have been decided by now. It is unfortunate that claim for compassionate appointment is pending at different level for five years.
4. In these circumstances, the Chief Municipal Officer, Nagar Palika Parishad, Kawardha is directed to take appropriate decision in the matter within a period of 60 days on claim of the petitioner without waiting for further instructions from any other authority.
5. In case the claim of the petitioner is rejected, it would be open for the petitioner to take recourse as may be available under the law.
6. With this observation the instant petition stands disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge